

INTERIM SESSION PRESENTATION | JUNE 14, 2023

# DIVISION OF OIL GAS AND MINING

Director John Baza

Deputy Director-Mining Dana Dean

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# OUR MISSION

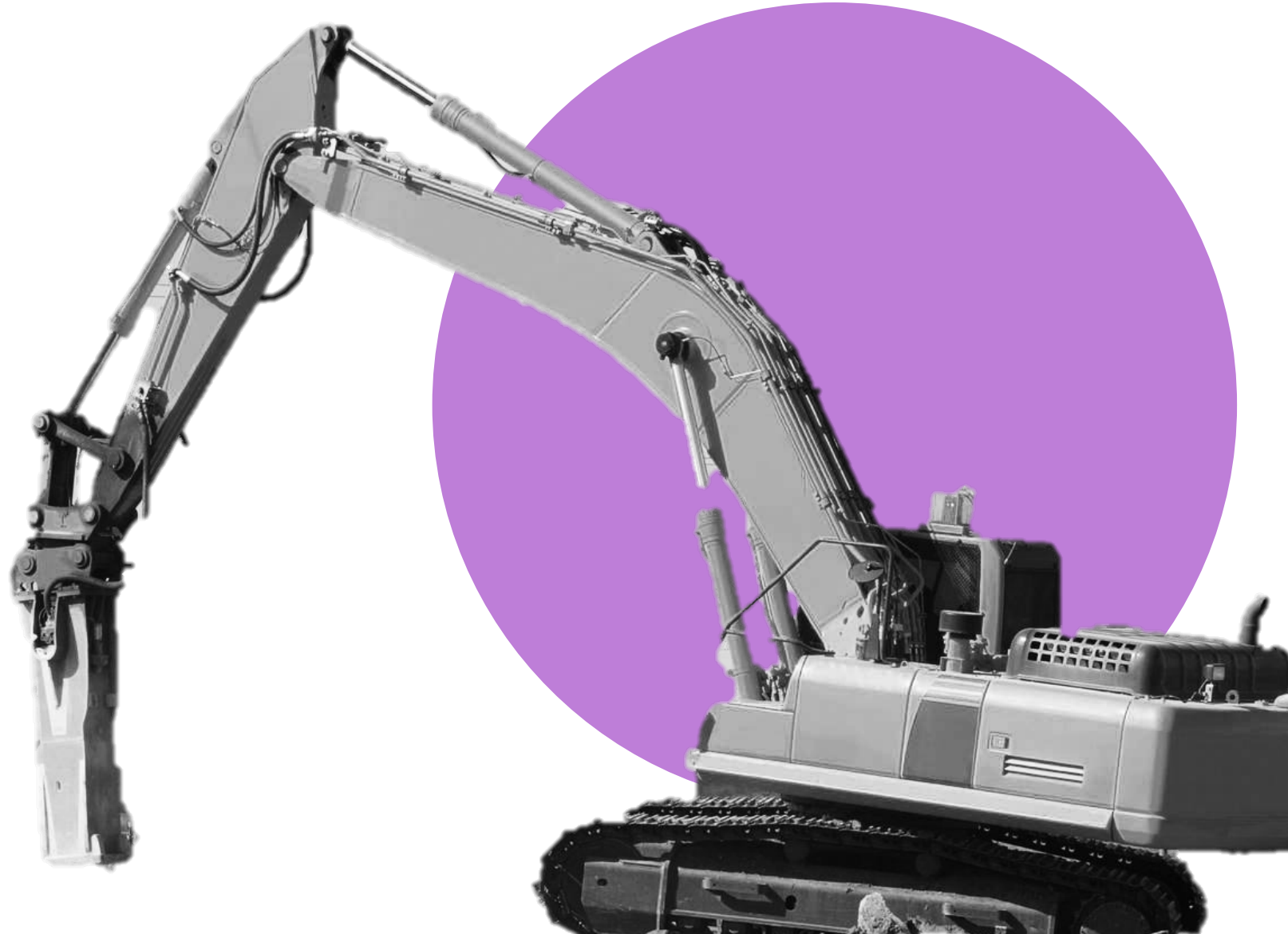
To regulate the exploration and development of coal and other minerals in a manner which:

- Encourages responsible reclamation and development, and
- Protects human health and safety, the environment, and the interests of the state and its citizens.



# OVERVIEW OF MINERALS PROGRAM

- Program is State Funded – Minerals Severance Tax
- Regulate mining through:
  - Permit review and approval
  - Mine inspections and enforcement actions
  - Full-cost bonding to ensure site reclamation
- Professional Workforce (9 FTE)
  - Engineers
  - Biologist
  - Geologist
  - Hydrologist
  - Archeologist



# TYPES OF MINING PERMITS



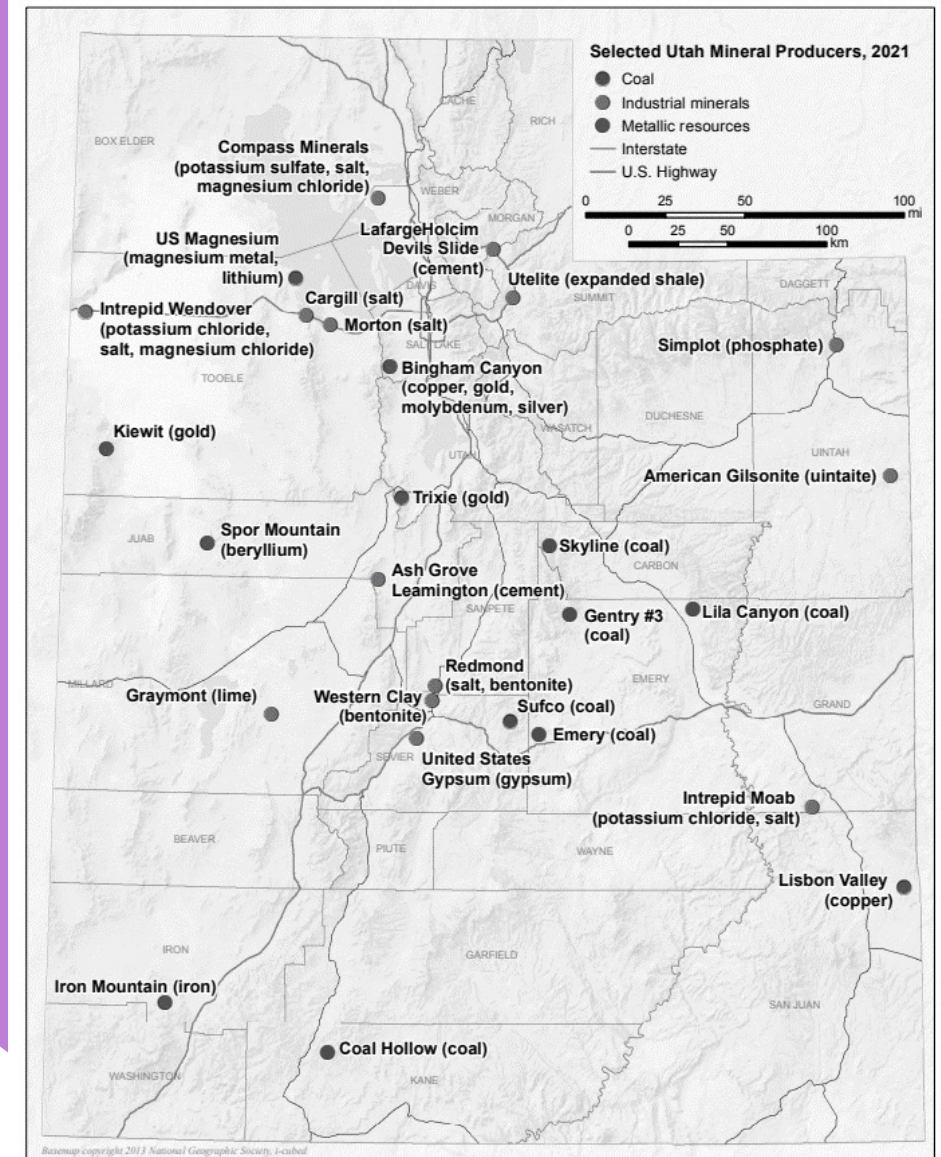
- **Exploration** – Surface-disturbing activities conducted for the purpose of discovering a mineral deposit.
- **Small Mining Operation** – Operations that disturb 20 or less surface acres in an unincorporated area of a county or 10 or less surface acres in an incorporated area of a county.
- **Large Mining Operation** - Operations which exceed the small mine operation size limitations.

# ACTIVE PERMITS

OGM currently oversees 526 active permits:

- Exploration ~25%
- Small Mining Operation ~50%
- Large Mining Operation ~25%

OGM also holds 573 bonds totaling \$418,096,360.13 to guarantee post-mining reclamation.



# REQUESTS FOR COMMITTEE

1. Clarify application requirements for different permit types.
2. Clarify OGM's role in the permitting process.
3. Clarify the process for public participation during the permitting process.



**40-8-13 Notice of intention required prior to mining operations -- Assurance of reclamation required in notice of intention -- When contents confidential -- Approval of notice of intention not required for small mining operations -- Procedure for reviewing notice of intention.**

- (1)
- (a) Before any operator begins mining operations, or continues mining operations pursuant to Section 40-8-23, the operator shall file a notice of intention for each individual mining operation with the division.
  - (b) The notice of intention referred to in Subsection (1)(a) shall include:
    - (i) identification of all owners of any interest in a mineral deposit, including any ownership interest in surface land affected by the notice;
    - (ii) copies of underground and surface mine maps;
    - (iii) locations of drill holes;
    - (iv) accurate area maps of existing and proposed operations; and
    - (v) information regarding the amount of material extracted, moved, or proposed to be moved, relating to the mining operation.
  - (c) The notice of intention for small mining operations shall include a statement that the operator shall conduct reclamation as required by rules promulgated by the board.
  - (d) The notice of intention for mining operations, other than small mining operations, shall include a plan for reclamation of the lands affected as required by rules promulgated by the board.
- (2) The division may require that the operator rehabilitate, close, or mitigate the impacts of each drill hole, shaft, or tunnel when no longer needed as part of the mining operation.
- (3) Information provided in the notice of intention, and its attachments relating to the location, size, or nature of the deposit that is marked confidential by the operator shall be protected as confidential information by the board and the division and is not a matter of public record unless the board or division obtains a written release from the operator, or until the mining operation has been terminated as provided in Subsection 40-8-21(2).
- (4)
- (a) Within 30 days from the receipt of a notice of intention, the division shall complete its review of the notice and shall make further inquiries, inspections, or examinations that are necessary to properly evaluate the notice.
  - (b) The division shall notify the operator of any objections to the notice and shall grant the operator a reasonable opportunity to take action that may be required to remove the objections or obtain a ruling relative to the objections from the board.
- (5) Except for the form and amount of surety, an approval of a notice of intention for small mining operations is not required.
- (6) The notice of intention for mining operations other than small mining operations, shall be reviewed as provided in this Subsection (6).
- (a) Within 30 days after receipt of a notice of intention or within 30 days following the last action of the operator or the division on the notice of intention, the division shall make a tentative decision to approve or disapprove the notice of intention.
  - (b) The division shall:
    - (i) mail the information relating to the land affected and the tentative decision to the operator; and
    - (ii) publish the information and the decision, in abbreviated form:
      - (A) one time only, in all newspapers of general circulation published in the county where the land affected is situated;
      - (B) in a daily newspaper of general circulation in Salt Lake City, Utah; and

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- (C) as required in Section 45-1-101.
  - (c) The division shall also mail a copy of the abbreviated information and tentative decision to the zoning authority of the county in which the land affected is situated and to the owner of record of the land affected.
  - (d)
    - (i) Any person or agency aggrieved by the tentative decision may file a request for agency action with the division.
    - (ii) If no requests for agency action are received by the division within 30 days after the last date of publication, the tentative decision on the notice of intention is final and the division shall notify the operator.
    - (iii) If written objections of substance are received, the division shall hold an informal adjudicative proceeding.
  - (e) This Subsection (6) does not apply to exploration.
- (7) Within 30 days after receipt of a notice of intention concerning exploration operations other than small mining operations, the division will review the notice of intention and approve or disapprove it.

# Request 1: Clarify Permit Requirements

## Utah Code § 40-8-13

- Section includes requirements and review process for all three types of permits.
- Section includes language which appears to contradict other sections of the mining code.
- Seek to clarify statute by creating a separate section for each permit type which outlines the requirements and review process for that particular type of permit.

# Request 2- Clarify OGM Role in Permitting Process

Inconsistent language in permitting statute makes OGM's role in the permit process unclear and/or inefficient.

- Unclear whether OGM can impose conditions on small mine permit to protect public health and safety.
- Under current statute, OGM is not allowed to deny a permit application, even if technically deficient.

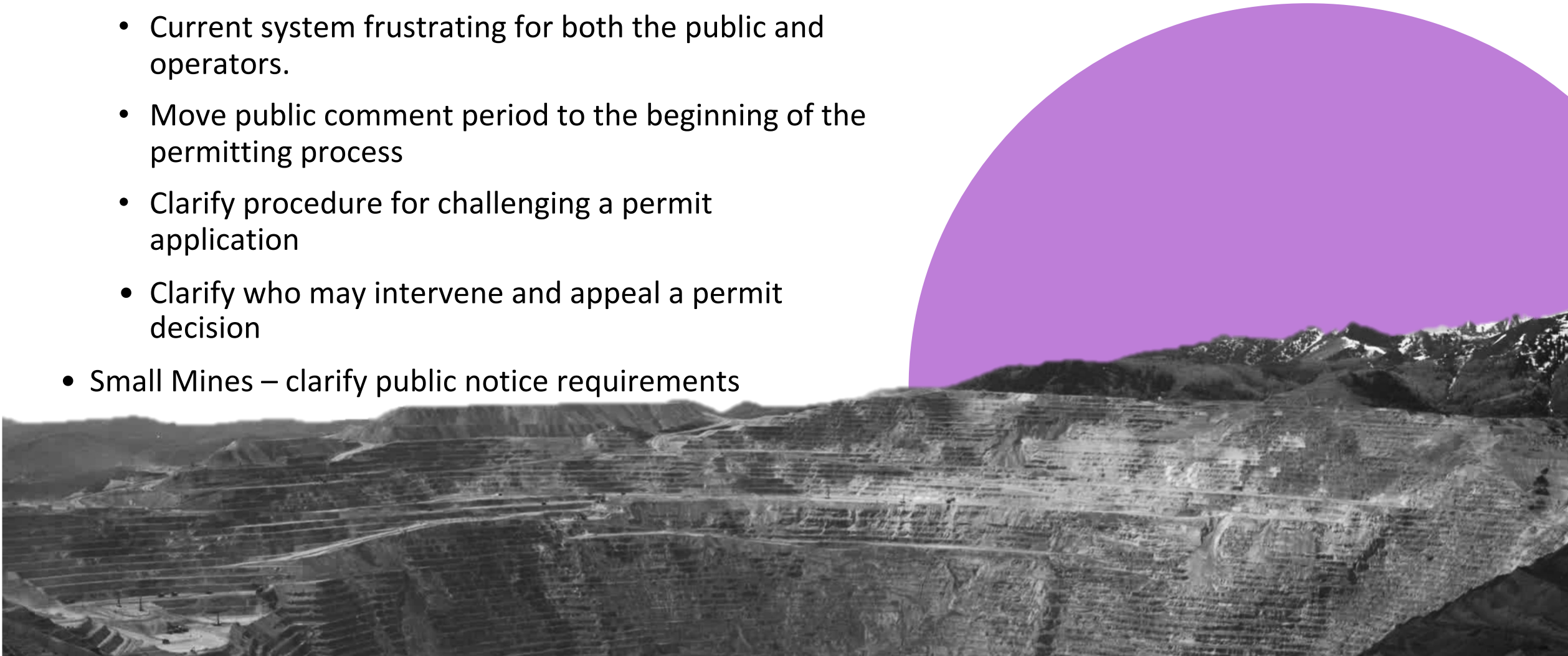
Seek to clarify that OGM has authority during the permit review process to:

- approve,
- deny,
- ask for modifications to the permit, and
- impose reasonable conditions on permits to protect the public health and safety



# Request 3 – Clarify Public Participation in the Permitting Process

- Large Mines
  - Current system frustrating for both the public and operators.
  - Move public comment period to the beginning of the permitting process
  - Clarify procedure for challenging a permit application
  - Clarify who may intervene and appeal a permit decision
- Small Mines – clarify public notice requirements





**THANK YOU  
ANY QUESTIONS?**